THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 23639 of 2000

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Dated: 27.01.2006

Between:

N.S. Bhaskara Rao, S/o Narsimha Murthy, E.62851,
Helper, A.P.S.R.T.C., Ravulapalem Depot,
East Godavari District.

..... PETITIONER

AND

1 The A.P.S.R.T.C., Rep by its Vice Chairman and Managing

Director, Musheerabad, Hydeabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Order:

The main grievance of the petitioner in this writ petition is that respondent No.2-Depot Manager, without issuing any notice and without affording any opportunity of hearing, issued the office order No.P1/255(1)/2000-RVPM, dated 28.03.2000. By the impugned proceedings, the annual increment of the petitioner was revised and regularized with effect from 24.12.1983 instead of 01.01.1983 and he was directed to draw the subsequent annual increments from 01.09.1984 onwards instead of first October of every year and ordered for recovery of an amount of Rs.21,866.55 ps., at

a monthly instalment of Rs.300/- per month in 66 instalments from his salary commencing from the month of March, 2000.

A counter affidavit was filed by the respondent-Corporation, *inter alia*, stating that during his service, the petitioner suffered with two penalties i.e., deferment of annual increment for a period of three months without cumulative effect vide proceedings dated 09.04.1984 and deferment of annual increment for a period of six months without cumulative effect vide proceedings dated 14.10.1998. It is stated that during the course of audit of annual increments of the year 1999, the Regional Audit, Rajahmundry, observed that the office without observing the said penalties imposed against the petitioner, granted the annual increments to the petitioner with effect from 01.01.1983 and the subsequent increments with effect from first October of every year, and therefore, advised to revise the case with effect from 1983. Accordingly, the case of the petitioner was reviewed and his annual increments were regularized with effect from 24.12.1983, and after assessing the excess amount paid to the petitioner towards pay and allowances with effect from 01.01.1983 to 29.02.2000 amounting to Rs.21,866,55 ps., issued the impugned office order for recovery of the said amount from the salary of the petitioner in 66 equal monthly instalments at Rs.300/- per month.

Heard the learned counsel for the petitioner and the learned Standing Counsel for A.P.S.R.T.C.

The main contention of the learned counsel for the petitioner is that the respondent-Corporation without giving any notice and copy of the audit objections and without affording any opportunity of hearing to the petitioner passed the impugned office order. He further submits that there is also no mention whatsoever about the penalties imposed against the petitioner in the impugned office order, hence, the same is liable to be set aside. He submits that the petitioner is willing to face the enquiry and the respondent-Corporation may be directed to issue appropriate notice and furnish the required documents to the petitioner and after affording reasonable opportunity, pass final orders in accordance with law.

However, at this juncture, both the counsel agreed that the writ petition may be disposed of with a direction to the respondent-Corporation to furnish copy of audit objections to the petitioner and after affording an opportunity of hearing to him, notify the excess amount drawn by the petitioner and deduct the same.

Having regard to the fact that no reasonable opportunity was afforded to the petitioner and in view of the agreed stand taken by both the counsel, the impugned office order dated 28.03.2000 is hereby set aside. The respondent-Corporation shall furnish the copy of the audit objections and serve an appropriate notice upon the petitioner within a period of four weeks from the date of receipt of a copy of this order, after affording reasonable opportunity to the petitioner, assess the excess amounts paid to the petitioner, and then pass final orders for recovery, in accordance with law as expeditiously as possible.

With the above directions, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 27.01.2006

Tvk/Nsr